



General Assembly

February Session, 2016

***Raised Bill No. 24***

LCO No. 239



Referred to Committee on HIGHER EDUCATION AND  
EMPLOYMENT ADVANCEMENT

Introduced by:  
(HED)

***AN ACT CONCERNING PROGRAM APPROVAL FOR INDEPENDENT  
INSTITUTIONS OF HIGHER EDUCATION.***

Be it enacted by the Senate and House of Representatives in General  
Assembly convened:

1 Be it enacted by the Senate and House of Representatives in General  
2 Assembly convened:

3  
4 Section 1. Section 10a-34 of the general statutes is repealed and the  
5 following is substituted in lieu thereof (*Effective July 1, 2016*):

6 (a) For the purposes of this section, (1) "program of higher learning"  
7 means any course of instruction for which it is stated or implied that  
8 college or university-level credit may be given or may be received by  
9 transfer; (2) "degree" means any letters or words, diploma, certificate  
10 or other symbol or document which signifies satisfactory completion  
11 of the requirements of a program of higher learning; (3) "institution of  
12 higher education" means any person, school, board, association,  
13 limited liability company or corporation which is licensed or  
14 accredited to offer one or more programs of higher learning leading to

15 one or more degrees; (4) "license" means the authorization by the  
16 Office of Higher Education to operate a program of higher learning or  
17 institution of higher education for a specified initial period; (5)  
18 "accreditation" means the authorization by said office to continue  
19 operating a program of higher learning or institution of higher  
20 education for subsequent periods, and in such periods to confer  
21 specified degrees; (6) "program modification" means (A) a change in a  
22 program of higher learning that does not clearly qualify as a new  
23 program of higher learning or a nonsubstantive change, including, but  
24 not limited to, a new program of higher learning consisting primarily  
25 of course work for a previously approved program of higher learning,  
26 (B) an approved program of higher learning to be offered at an off-  
27 campus location, (C) a change in the title of a degree, or (D) a change in  
28 the title of a program of higher learning; and (7) "nonsubstantive  
29 change" means (A) a new undergraduate certificate program, within  
30 an existing program of higher learning, of not more than thirty  
31 semester credit hours that falls under an approved program of higher  
32 learning, (B) a new baccalaureate minor of not more than eighteen  
33 semester credit hours, (C) a new undergraduate option or certificate  
34 program of not more than fifteen semester credit hours, or (D) a new  
35 graduate option or certificate program of not more than twelve  
36 semester credit hours.

37 (b) The Office of Higher Education shall establish regulations, in  
38 accordance with chapter 54, concerning the requirements for licensure  
39 and accreditation, such regulations to concern administration, finance,  
40 faculty, curricula, library, student admission and graduation, plant and  
41 equipment, records, catalogs, program announcements and any other  
42 criteria pertinent thereto, as well as the periods for which licensure and  
43 accreditation may be granted, and the costs and procedures of  
44 evaluations as provided in subsections (c), (d) and (i) of this section.  
45 Said office shall establish academic review commissions to hear each  
46 appeal of a denial by said office of an application by an institution of  
47 higher education for licensure or accreditation of a program of higher

48 learning or institution of higher education. For each individual appeal,  
49 the executive director of said office, or the executive director's  
50 designee, shall select a commission that is comprised of four higher  
51 education representatives and five business and industry  
52 representatives chosen from a panel of thirty-five members, who shall  
53 be appointed as follows: (1) The Governor shall appoint five members;  
54 (2) the speaker of the House of Representatives shall appoint five  
55 members; (3) the president pro tempore of the Senate shall appoint five  
56 members; (4) the majority leader of the House of Representatives shall  
57 appoint five members; (5) the majority leader of the Senate shall  
58 appoint five members; (6) the minority leader of the House of  
59 Representatives shall appoint five members; and (7) the minority  
60 leader of the Senate shall appoint five members. The executive director  
61 of said office, or the executive director's designee, shall ensure that  
62 each commission contains at least one member appointed by each of  
63 the appointing authorities. Each appointing authority shall select both  
64 higher education representatives and business and industry  
65 representatives, but not more than three from either category of  
66 representatives.

67 (c) No person, school, board, association or corporation shall confer  
68 any degree unless authorized by act of the General Assembly. No  
69 application for authority to confer any such degree shall be approved  
70 by the General Assembly or any committee thereof, nor shall any such  
71 authority be included in any charter of incorporation until such  
72 application has been evaluated and approved by the Office of Higher  
73 Education in accordance with regulations established by the Office of  
74 Higher Education.

75 (d) The Office of Higher Education shall review all requests and  
76 applications for program modifications, nonsubstantive changes,  
77 licensure and accreditation. The office shall review each application in  
78 consideration of the academic standards set forth in the regulations for  
79 licensure and accreditation adopted by said office in accordance with  
80 the provisions of subsection (b) of this section. Notwithstanding the

81 provisions of section 10a-34e, any application that is determined by the  
82 office to be for (1) a program modification that meets all such academic  
83 standards, (2) a nonsubstantive change, (3) licensure, or (4)  
84 accreditation shall be deemed approved, and the office shall notify the  
85 institution of such approval, not later than forty-five days from the  
86 date the office receives such application without requiring any further  
87 action from the applicant.

88 (e) If the executive director of the Office of Higher Education, or the  
89 executive director's designee, determines that further review of an  
90 application is needed due at least in part to the applicant offering  
91 instruction in a new program of higher learning or new degree level,  
92 then the executive director or the executive director's designee shall  
93 conduct a focused or on-site review. Such applicant shall have an  
94 opportunity to state any objection regarding any individual selected to  
95 review an application on behalf of the executive director. For purposes  
96 of this subsection, "focused review" means a review by an out-of-state  
97 curriculum expert; and "on-site review" means a full team evaluation  
98 by the office at the institution of higher education.

99 (f) The executive director of the Office of Higher Education, or the  
100 executive director's designee, may require a focused or on-site review  
101 of any program application in a health-related field where a license in  
102 Connecticut is required to practice in such field.

103 (g) Any application for licensure of a new institution in this state  
104 shall be subject to an on-site review upon a determination by the Office  
105 of Higher Education that the application is complete and shall be  
106 reviewed at the institutional level for each program as described in  
107 subsection (b) of this section. Such process shall be completed not later  
108 than nine months from the date said office receives the application.

109 (h) If the Office of Higher Education denies an application for  
110 licensure or accreditation of a program or institution of higher  
111 education, the applicant may appeal the denial not later than ten days

112 from the date of denial. The academic review commission shall review  
113 the appeal and make a decision on such appeal not later than thirty  
114 days from the date the applicant submits the appeal to said office.

115 (i) No person, school, board, association or corporation shall operate  
116 a program of higher learning or an institution of higher education  
117 unless it has been licensed or accredited by the Office of Higher  
118 Education, nor shall it confer any degree unless it has been accredited  
119 in accordance with this section. The office shall accept regional  
120 accreditation, in satisfaction of the requirements of this subsection  
121 unless the office finds cause not to rely upon such accreditation. If any  
122 institution of higher education provides evidence of programmatic  
123 accreditation, the office may consider such accreditation in satisfaction  
124 of the requirements of this subsection and deem the program at issue  
125 in the application for accreditation to be accredited in accordance with  
126 this section. National accreditation for Connecticut institutions of  
127 higher education accredited prior to July 1, 2013, shall be accepted as  
128 being in satisfaction of the requirements of this subsection unless the  
129 office finds cause not to rely on such national accreditation.

130 (j) No person, school, board, association or corporation shall use in  
131 any way the term "junior college" or "college" or "university" or use  
132 any other name, title, literature, catalogs, pamphlets or descriptive  
133 matter tending to designate that it is an institution of higher education,  
134 or that it may grant academic or professional degrees, unless the  
135 institution possesses a license from, or has been accredited by, the  
136 office, nor shall it offer any program of higher learning without  
137 approval of the Office of Higher Education.

138 (k) Accreditation of any program or institution or authority to  
139 award degrees granted in accordance with law prior to July 1, 1965,  
140 shall continue in effect.

141 (l) Notwithstanding the provisions of subsections (b) to (j),  
142 inclusive, of this section and subject to the authority of the State Board

143 of Education to regulate teacher education programs, new and revised  
 144 academic programs proposed by an independent institution of higher  
 145 education, as defined in section 10a-173, shall not be subject to  
 146 approval by the Office of Higher Education, provided (1) the  
 147 institution maintains eligibility to participate in financial aid programs  
 148 governed by Title IV, Part B of the Higher Education Act of 1965, as  
 149 amended from time to time, and (2) the institution has been located in  
 150 the state and accredited as a degree-granting institution for ten years  
 151 or more by a regional accrediting association recognized by the  
 152 Secretary of the United States Department of Education and maintains  
 153 such accreditation status. All institutions that are exempt from  
 154 program approval by the Office of Higher Education under this  
 155 subsection shall annually file with said office a list and brief  
 156 description of any new programs introduced by the institution in the  
 157 preceding academic year and any existing programs discontinued by  
 158 the institution in the preceding academic year.

This act shall take effect as follows and shall amend the following sections:

Section 1	July 1, 2016	10a-34
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**Statement of Purpose:**

To exempt academic programs of certain independent institutions of higher education from approval by the Office of Higher Education.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*